

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MALIBU MEDIA, LLC,

Plaintiff,

vs.

JOHN DOE, INFRINGER USING IP
ADDRESS 70.121.72.191;

Defendant.

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5-19-CV-00834-DAE

ORDER

Before the Court is Defendant John Doe's Motion to Modify the Scheduling Order and Leave to File First Amended Answer, Second Amended Counterclaims, and to Join a Counter Defendant that were referred for disposition pursuant to Rules CV-72 and 1 of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. *See* Dkt. No. 79. On May 4, 2021, the Court held a hearing on the Motion at which all parties appeared through counsel of record.

For the reasons stated on the record at the May 4 hearing, **IT IS ORDERED THAT** the Motion, Dkt. No. 79, is **DENIED WITHOUT PREJUDICE**. Plaintiff Malibu Media, LLC shall have **60 days** from the date of this Order to take the necessary steps to cure the defect in its corporate status raised by Doe's Motion. Doe may re-urge his motion after the 60-day period lapses. To the extent, however, Malibu successfully cures the issue during this period, the Court questions whether good cause for the amendment would exist.

IT IS SO ORDERED.

SIGNED this 7th day of May, 2021.


RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE